

JAN. 14. 2004 5:03PM

858 792-6773 FOLEY AND LARDNER

NO. 7345 P. 1

FOLEY & LARDNER
 ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200

SAN DIEGO, CA 92130

P.O. BOX 80278

SAN DIEGO, CALIFORNIA 92138-0278

TELEPHONE: 858.847.6700

FACSIMILE: 858.792.6773

WWW.FOLEYLARDNER.COM

 RECEIVED
 CENTRAL FAX CENTER

JAN 14 2004

OFFICIAL

FACSIMILE TRANSMISSION
Total # of Pages: 18 (Including this page)

TO:	PHONE #:	FAX #:
Examiner Karen Lacourciere - Art Unit 1635 Commissioner for Patents	(703) 308-7523	(703) 872-9306

From : Teresa Spehar Sender's Direct Dial : 858.847.6719 Date : January 14, 2004 Client/Matter No : 037002-0205 User ID No : 3171
--

MESSAGE:
OFFICIAL

Re: Application Serial No. 09/557,796

Following are copies of:

 Request for Continued Examination (RCE) Transmittal (4 pgs.-in dupl.. = 8 pgs.);
 Petition for Extension of Time (2 pgs.);
 Amendment (7 pgs.).

 If there are any problems with this transmission or if you have not
 received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Joy Day
-----------	------------	--------------------------------

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 252/123
(037002-0205)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hoch and Dartois
Title: METABOLIC SELECTION
METHODS
Appl. No.: 09/557,796
Appl. Filing Date: 04/25/2000
Examiner: K. Lacourciere
Art Unit: 1635

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Joy Day (Printed Name) <i>Joy Day</i> (Signature) January 14, 2004 (Date of Deposit)
--

RECEIVED
CENTRAL FAX CENTER

JAN 14 2004

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL**OFFICIAL**

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

☐ Please enter and consider the amendment/reply previously filed on ____.

Atty. Dkt. No. 252/123
(037002-0205)

- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on ___ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ___.
- ☐ Other ___.
- b. Enclosed are:
- ☒ Amendment/Reply.
- ☐ Affidavit(s)/Declaration(s).
- ☐ Information Disclosure Statement.
- ☐ Form PTO-1449 with copies of ___ listed reference(s).
- ☐ Other .

Miscellaneous:

- ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ___ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$770.00	= \$770.00
Total Claims:	8	- 31	= 0	x \$18.00	= \$0.00
Independents	1	- 5	= 0	x \$86.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$290.00	= \$0.00
CLAIMS FEE TOTAL:					= \$770.00

Atty. Dkt. No. 252/123
(037002-0205)

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the
total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$420.00		\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:	\$950.00		\$950.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,480.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,010.00		\$0.00
EXTENSION FEE SUBTOTAL:				\$950.00
EXTENSION FEE ALREADY PAID:				\$0.00
EXTENSION FEE TOTAL:				\$950.00
CLAIMS AND EXTENSION FEE TOTAL:				\$1720.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$860.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:				\$860.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$860.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$860.00 _____ to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Atty. Dkt. No. 252/123
(037002-0205)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: January 14, 2004

FOLEY & LARDNER
Customer Number: 30542
Telephone: (858) 847-6767
Facsimile: (858) 792-6773

By 

Teresa Spehar
Registration No. 51,281
for Richard J. Warburg
Attorney for Applicant
Registration No. 32,327